

Meeting Minutes August 3, 2005

Town of Los Altos Hills City Council Special Meeting

Wednesday, August 3, 2005 6:00 P.M.
Town Hall Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Kerr called the City Council Special Meeting to order at 6:04 p.m. in the Council Chambers at Town Hall.

Present: Mayor Breene Kerr, Mayor Pro Tem Dean Warshawsky, Councilmember Craig A. T. Jones, Councilmember Jean Mordo and Councilmember Mike O'Malley

Absent: None

Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas, Planning Director Carl Cahill, Administrative Services Director Sarah Joiner, Director of Public Works/City Engineer Henry Louie and City Clerk Karen Jost

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by O'Malley and passed unanimously to limit the length of time for public comments to three minutes.

2. APPOINTMENTS AND PRESENTATIONS

2.1 Certificate of Appreciation – Nancy Ewald, Pathways Committee

Mayor Kerr presented Nancy Ewald with a Certificate of Appreciation for her service on the Pathways Committee from 1999-2005. He acknowledged her commitment to the Committee's many projects including the recent Master Path Map update.

Council thanked Ewald for her volunteer service.

Ewald accepted the certificate and noted that she was appreciative of the recognition but hoped that Council would consider recognizing the efforts of the Committee as a whole for the many volunteer hours that had been contributed to the update of the Master Path Map.

2.2 Certificate of Appreciation – Alex Wheatley

Mayor Kerr presented a Certificate of Appreciation to Alex Wheatley for the signage that he had crafted and installed at Westwind Community Barn. Council thanked Wheatley for the work with Mayor O'Malley noting that the sign also served as a much needed noticing board for the Barn facility.

Wheatley thanked the Council and acknowledged that the sign was his Eagle Scout project and he was in the process of completing the requirements for the award.

2.3 Silicon Valley Workforce Investment Network-Suzanne Wolf, Program Manager

Suzanne Wolf, Program Manager, Silicon Valley Workforce Investment Network (SVWIN), addressed Council. She distributed an informational packet to Council that described the many options and programs offered by SVWIN. Wolf noted that the program was federally-funded by the Department of Labor, fiscally administered by the City of San Jose and chartered to serve eight cities in Santa Clara County including Los Altos Hills. Council had before them a Memorandum of Understanding for their consideration that would coordinate the workforce development services within the one-stop delivery system. Wolf noted that the workshops and training services were provided at no cost to the job seeker.

Council thanked Wolf for her presentation. Mayor Pro Tem Warshawsky commented that he was familiar with the Entrepreneur Center and their services for small businesses.

2.3.1 Proposed Memorandum of Understanding Regarding Workforce Investment Act Services between the City of San Jose, as Administrator of the San Jose Silicon Valley Workforce Investment Board and the Town of Los Altos Hills

City Manager Cassingham explained that approval of the MOU before Council was required by all jurisdictions served by SVWIN. In addition to SVWIN workforce services, the Town would be afforded the opportunity to nominate a private sector representative to the SVWIN Board of Directors.

Council requested more specifics on the current membership of the Board, meeting schedule and expectation of commitment from Ms. Wolf and offered that they would consider an appointee at a future Council meeting following review of the information.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by O'Malley and passed unanimously to approve the Memorandum of Understanding Regarding Workforce Investment Act Services between the City of San Jose, as Administrator of the San Jose Silicon Valley Workforce Investment Board and the Town of Los Altos Hills

3. PLANNING COMMISSION REPORT

Planning Director Carl Cahill reported that the Planning Commission had not met since the last Council meeting. In response to recent emails that had been forwarded to Council from resident Alexander Atkins that pertained to Eucalyptus trees on a neighboring property, Cahill explained that the referenced project would be scheduled for

a public hearing and it would be appropriate to review the issue at that time. Staff would request an arborist's report on the health of the trees. Cahill added that there was no Town ordinance that could support a request from the Town for the applicant to remove the trees if they were healthy.

4. CONSENT CALENDAR

Items Removed: 4.2 (Jones) 4.5 (O'Malley)

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Warshawsky and passed unanimously to approve the remainder of the Consent Calendar, specifically:

- 4.1 Approval of Minutes: Regular City Council Meeting July 7, 2005
- 4.3 Award of Contract 2005 Sanitary Sewer Rehabilitation and Storm Drain Improvement Project – Reso # 75-05
- 4.4 Grant of Open Space Easements; Lands of Zhu and Xu; 24910 La Loma Court Reso #76-05

Items Removed:

- 4.2 Review of Disbursements: 7/14/2005 – 7/26/2005 \$579,444.22

Councilmember Jones requested clarification on the item. City Manager Cassingham noted that all items in the disbursement report had been previously discussed or were within the approved budget.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by O'Malley and passed unanimously to approve Item 4.2 Review of Disbursements with Mayor Kerr abstaining from the payments to TBI identified on page 4 of the report.

- 4.5 Approval of Consultant Agreement for Evaluation of Wildlife Corridors Reso #77-05

Councilmember O'Malley requested additional information on the credentials of the consultant that was being considered to develop the wildlife corridor map. He noted that it was imperative that the work be credible for the map to be accepted as a resource for future planning issues. Planning Director Cahill noted that the firm had worked with the Town previously and the Open Space Committee had reviewed their work. They had participated in the Open Space Symposium that was sponsored by the Town.

Council discussion ensued regarding the agreement and scope of services. Roger Spreen, Open Space Committee Chair, explained that his Committee and the Environmental Protection Committee would work closely with the consultant to ensure that his/her time was used appropriately and to ensure that resident input on wildlife passage and corridors in Town was credible. Council consensus was to schedule a public meeting to garner resident comment on the map.

Cahill clarified that the map, when completed, would be used to develop standards for planning and perhaps as an exhibit to the General Plan.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Mordo and passed unanimously to approve item 4.5 Approval of Consultant Agreement for Evaluation of Wildlife Corridors Resolution No.77-05.

5. UNFINISHED BUSINESS

5.1 Town Goals

5.1.1 Implementation of Strategic Conservation Goals

Mayor Kerr reported that the Environmental Initiatives Committee had a desire to present their proposal for an ordinance related to energy conservation to Council at a September meeting. Kerr noted that an article would appear in the September issue of the Town Newsletter regarding the Committee's findings and proposal. Following Council discussion, it was determined that scheduling the presentation for the September 15th meeting after the Labor Day Holiday and issuance of the Newsletter would be the most advantageous date for the EIC presentation.

5.1.2 Bringing Public Education Back to the Hills

Mayor Kerr deferred discussion of this Item to Item 5.4.

5.2 Proposed Ordinance Change for Regular City Council Meeting Days

City Manager Maureen Cassingham introduced this item to Council. At their last meeting, Council discussed the proposed meeting change and determined that they favored moving the regular meetings from the first and third Thursdays of the month to the second and fourth Thursdays to avoid Monday holiday conflicts and had requested staff work with the Mayor to ensure that any schedule change not conflict with the VTA Board meeting schedule. Cassingham noted that she had confirmed that the VTA regular Board meetings fall on the first Thursday of the month. She recommended that Section 1. be revised to read "effective after January 1, 2006."

Council discussion ensued. Council concurred that the proposal was an appropriate compromise to Councilmembers' travel and meeting schedules and agreed that an effective date of January 1, 2006 would allow time to educate the residents on the meeting change.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Warshawsky and passed unanimously to waive reading and introduce the ordinance amending the Los Altos Hills Municipal Code Title 2 Administration, Chapter 1, Article 1. Meetings, Section 2-1.101, 2.1.104 and 2.2.105 to be effective January 1, 2006.

5.3 Update on Byrne Preserve Repairs

Public Works Director/City Engineer Henry Louie reported that the Town's maintenance crew had initiated repairs and the installation of safety railings on the wood bridge in Byrne Preserve. He noted that with the new reinforcement and bracing, he believed the life of the bridge had been extended by three years. Louie reviewed the option of removal and bridge replacement with Council. This alternative would require approximately two years due to the environmental and approval requirements of outside agencies. He would return to Council at their next meeting with photos of the bridge repair.

5.4 Consideration of Letter to Residents Regarding Partnership with Bullis Charter School

Mayor Kerr reported that the Ad-Hoc Council Subcommittee that was chartered to draft a letter to residents explaining the City Council's actions to date and the potential steps in locating a permanent site for the Bullis Charter School in Town had met. Councilmember O'Malley had developed an outline of key points to be included in the mailing. Kerr suggested that the letter be deferred to a future date and the Council consider an informative article in the September Newsletter.

Council consensus was to move forward with the Newsletter article. Mayor Kerr and Councilmember O'Malley would craft the article.

5.5 Update on Expansion of Cell Phone Coverage in Los Altos Hills

Public Works Director/City Engineer Henry Louie explained that the engineering staff had completed the cellular site map and presented it to Council for their review. He explained that the composite site map included locations of existing cellular antenna sites, Town owned properties, open space areas, Water District facility sites including water tanks, schools, church sites and residential lots larger than 10 acres.

Council thanked Louie for his efforts and timely response to their request.

Planning Director Carl Cahill suggested that in conjunction with efforts to identify the most desirable cell sites in Town, it would be beneficial to prepare a master use permit to assist with the solicitation of cell phone providers. This could potentially make the Town a more attractive market.

Council discussed the proposal. Councilmember Mordo and Mayor Pro Tem Warshawsky agreed to contact the vendors for their input on sites. Mayor Pro Tem Warshawsky would garner additional information and "piggy back" on the work being done by the League of California Cities Joint Collaborative for improved cell phone coverage on the Peninsula. Council consensus was to move forward with a master use permit and pre-approval process using the Town Hall and Westwind Barn as "test" projects with a requirement for structurally capable collocation of services on the cellular antennas.

Public Works Director/City Engineer Henry Louie advised Council that his engineering department had developed two maps; one with contour lines and one without. Council thanked Louie for his efforts.

6. NEW BUSINESS

6.1 Selection of Voting Delegate – League of California Cities Annual Conference-October, 2005

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Jones and passed unanimously to designate Mayor Kerr as the Voting Delegate for the Town of Los Altos Hills at the 2005 League of California Cities 2005 Annual Conference.

6.2 Consideration of Request for Proposal and Letter from Mayor Regarding the Study of Defined Contribution Retirement Plan and Retiree Health Benefits

Council had before them a staff report, draft letter from the Mayor and draft Request for Proposal for a compensation study.

Councilmember Mordo reviewed with Council the RFP's scope of work outlined in the staff report, offering that these were the key issues he wished addressed in the review. He explained that this was not a traditional study of benefits but a look at emerging trends in employee benefits in California and throughout the United States and the findings would help to evaluate if the Town should consider restructuring employee benefits. Mordo offered that by joining with other government entities that most likely have similar issues, the cost for the study would be lower. He noted that the Finance and Investment Committee was supportive of sending the letter to neighboring cities asking them to join in the study.

Council discussion ensued. Councilmember Jones suggested that a preliminary step might be to work with the League of California Cities to investigate the number of Towns that have changed from fixed to portable contribution benefit plans. City Manager Cassingham explained that she was serving on the League of California Cities Statewide Task Force Executive Committee that was currently studying the issues surrounding employee benefits. Cassingham explained CalPERS contract parameters to Council, noting that each city that participates in PERS defines their own contract. She noted that pension funds were fully funded.

Administrative Services Director Sarah Joiner offered that for a membership fee of \$3500, the Town could join the Bay Area Employee Relations Service and would be able to garner reports on salaries, benefits and position descriptions. The service has a membership of fifty agencies.

Council concurred that this would be beneficial and a good tool for gathering information. Councilmember Mordo explained that in addition to this more traditional benefit information, he was interested in emerging practices. He was more concerned with the potential economic impact of benefits.

Council discussed the draft letter. Councilmember Mordo expressed his concern that if they did not investigate pension benefits, they would not revisit the issue. Following discussion, Council consensus was to narrow the scope of the letter directed to Mayors of other cities to a study of retiree health benefits. If there were no response to the letter or

a limited response, the cost of the study might be prohibitive and the City Council could revisit the proposal.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed unanimously to authorize a letter from the Mayor to Mayors of other communities asking them to join the Town in a study of health insurance benefits for retirees.

Staff was directed to send the letter to all cities in Santa Clara County and San Mateo County.

6.3 Consideration of Proposed Revision to Standing Committee Resolution No. 66-05 – Finance and Investment Committee Membership Requirements

Frank Lloyd, Finance and Investment Committee, explained that the Committee was seeking an amendment to the Standing Committee Resolution pertaining to Finance and Investment Committee membership eligibility requirements. He offered that the new requirements were more realistic and still ensured that the members had the appropriate finance background.

Council had the new requirements before them in a staff report authored by Administrative Services Director Sarah Joiner. Following a brief discussion, Council consensus was to approve the proposed revisions.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed unanimously to amend the membership requirements to the Finance and Investment Committee as identified in Standing Committee Resolution No.66-05 to read: “The membership of this Committee shall consist of eight (8) members. Members shall meet at least one of the following qualifications: (1) five years accounting and financial experience in a public corporation, municipal government or privately held business; (2) financial officer of a public corporation with five years experience; (3) investment officer of a F.D.I.C. member institution with five years experience; (4) money manager who specializes in corporate or government agency issues with a minimum of five years experience; or (5) five years experience in investment banking, venture capital and/or general management.”

City Attorney Steve Mattas, with the Council’s consent, since the new wording was crafted and approved, staff would make the necessary changes to the resolution. Council concurred. (Adoption of Resolution No.79-05)

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Councilmember Jones reported that the Public Education Committee had met and per the direction of the City Council were assembling facts concerning public education issues in

Los Altos Hills. A subcommittee, chaired by Jill Jensen, had been established to assist with the process.

Councilmember O'Malley reported that the General Plan Ad Hoc Committee had met. Following an initial review of the document, they determined that it was replete with inaccuracies and will first read and address the inaccuracies and identify the issues before moving forward with any policy changes. This would ensure that the General Plan was a correct document before the more formal committee begins the update process. Former Mayor Elayne Dauber and Former Planning Commissioners Carol Gottlieb, Janet Vitu, Dot Schreiner, and Planning Commissioner Chairman Carl Cottrell would assist Councilmember O'Malley with the initial review.

Council consensus was supportive of the process.

Mayor Pro Tem Warshawsky reported that the Pathways Committee had met. Stan Bond, National Park Service, Jane Mark, Santa Clara County Parks and Councilmember O'Malley attended the session to review and discuss potential routes for the Anza Trail. Warshawsky noted that approximately 40 residents were also in attendance. The Committee approved a two fold option plan: 1) to work with the County to define a route around Los Altos Hills through the County lands; and 2) if the first plan did not succeed, to establish a preferred environmental route along roadside paths.

Councilmember Mordo reported that he had withdrawn his appeal of the Planning Commission approval of the Lands of Goese application following a successful resolution with the applicant. The applicant had agreed to not plant a vineyard in the conservation easement and to restore the area primarily with native plants.

7.1 Recommendations for up to \$2.5 Million Financing Alternatives for the Purchase of Land for Bullis Charter School – Lalla Stark, Chair, Finance and Investment Committee

Frank Lloyd, Finance and Investment Committee, reported that the Committee, at the direction of the City Council, had reviewed the Town's reserves and funds up to \$2.5 million were available. The Committee at their next meeting will review financing alternatives. Councilmember Mordo noted that the Committee would also review revenue projections.

OPENED PUBLIC COMMENT

Stuart Bessler, Canario Way, expressed his opposition to any Town funding of the Charter School. He suggested that the letter that Council was drafting to residents should solicit input from the community. He believed there was a large contingency of unorganized residents opposed to the funding proposal.

CLOSED PUBLIC COMMENT

Council explained that no action would be taken on the Partnership request until a public hearing was held on the matter and residents had the opportunity to offer their input. Council noted that they were launching a campaign to educate residents on the issues and the potential benefits to returning a school to Los Altos Hills.

8. STAFF REPORTS

8.1 City Manager

- Update on Mayfield Development

City Manager Maureen Cassingham explained that per the Council direction for regular progress reports on the Mayfield Development project, she was advising them of the current status. Mr. Emslie, Palo Alto Planning and Community Development Director, had informed her that in mid- July neighbors of the Stanford Research Park had organized a neighborhood meeting for the discussion of the project. Los Altos Hills neighbors had been invited. A product of the meeting discussion was the possible study of signalization at Coyote Hill and Page Mill, which might negate the need for any signalization at Arastradero and Page Mill and Arastradero and Deer Creek Road. The findings of the community meeting have been forwarded to the Palo Alto Traffic Engineering department for review.

City Manager Cassingham noted that she would continue to monitor the neighborhood meetings and would garner the names of the Los Altos Hills participants.

8.2 City Attorney

8.3 City Clerk

8.3.1 Report on Council Correspondence

9. COUNCIL-INITIATED ITEMS

9.1 Proposal for Plants and Plant Maintenance at Town Hall-Councilmember Mordo

Councilmember Mordo explained that he had brought this item before Council for their consideration because he thought the plants that had been arranged in Town Hall by Sandy Humphries for the dedication ceremony looked very nice in the facility. He had asked Humphries to provide Council with a proposal.

Sandy Humphries, Fremont Road, Tree Temps, commented that she had been providing plant services in the community as a business for approximately 17 years. She distributed a proposal to Council. Humphries noted that the proposal was for the items that were used for the dedication. The plants could be leased or purchased. Humphries suggested that if plants were to be located in the lobby, it was dark and more lights might be required. She reviewed costs for purchasing the plants with Council.

Following a brief discussion, Council directed staff to gather comparable costs for leasing and purchasing plants and return to Council for their consideration

City Manager Cassingham advised that Council would also need to consider a budget allocation for the expense. She noted that she would also include the costs for silk plants as a comparable.

10. PRESENTATIONS FROM THE FLOOR

Nancy Couperus, Page Mill Road, reported that the 4-H sponsored Horse Camp at Westwind Barn was in session and very successful. She noted that she had concerns with the safety of the repairs of the Bryne Preserve bridge and suggested that it be reinforced for the safe traversing of horses.

Frank Lloyd, Brendel Drive, reported that the side door to Council Chambers was very noisy and distracting to the audience members.

John Baer, Los Altos, addressed Council. He advised them of the recent decision of the Foothill-De Anza Community College District to demolish the historic Griffin House located on the Foothill campus. He encouraged the Council to agendaize for discussion at their next meeting what options the Town could employ to save the historic resource. Baer noted that the Friends of Griffin House had retained an attorney and were collecting funds for his fees. He suggested that the College had not applied for the appropriate demolition permit from the Town.

Council discussion ensued. Mayor Kerr commented that he had personally appeared before the District Board regarding the rehabilitation of the Griffin House and the San Jose Mercury News had conducted a public relations campaign to save the house but without success. No large donors had surfaced to underwrite the project.

City Attorney Steve Mattas reviewed the Council's options. He noted that the issuance of a demolition permit would be ministerial and if an application were submitted, it would be reviewed and issued by the Building Official. Mattas added, that if the applicants complied with CEQA requirements, he did not believe the Town would have any grounds for the Building Official to deny the permit and if Council were to challenge the EIR as deficient and the action necessitated a new EIR, this would just delay the demolition, not prohibit it.

Dan Alexander, Los Altos Hills Historical Society, addressed Council and reported that he had been working with the City Manager and City Clerk on a proposed display of historic photographs for the Town Hall lobby. He suggested that this would be an appropriate parallel project to the Town's 50th year anniversary celebration and was seeking Council support of the project.

City Manager Cassingham explained that efforts were being made to borrow any necessary display apparatus to minimize costs.

Council consensus was to endorse the proposed display. Councilmember Mordo volunteered to assist with the project.

Council Re-Opened Presentations from the Floor to accommodate comments from resident Bob Clifford. (8:45 p.m.)

Bob Clifford, Canata Way, thanked the City Council for their service to the community. He advised the Council that Poison Oak was growing on the roadway on El Monte and he

believed it was a problem for cyclists. Clifford said he had just learned of the demise of the Griffin House and encouraged the Council to look at the options to save it.

Public Works Director Henry Louie advised Council that clearing of the the Poison Oak was scheduled to be addressed in the near future.

11. PUBLIC HEARINGS

11.1 Consideration of Approval of Utility Undergrounding District Boundary

Public Works Director/City Engineer Henry Louie introduced this item to Council. He provided an overview of the staff report that was before Council. He noted that Council had approved the formation of a Rule 20A Undergrounding District as a pilot project on December 15, 2004 and it was now appropriate for the City Council to conduct a public hearing to formally establish the Districts. Louie displayed a boundary map of the proposed District. He noted that there was a typographical error in the text of the report and offered the correct the spelling of "Minorca Court".

Mayor Pro Tem Warshawsky reviewed with Council the Rule 20A requirements that had determined the pilot project location. He added that with the Council's adoption of the Resolution that would formally establish the Underground Districts (District No. 1A and No. 1B), the Town's project would be positioned in the appropriate PG&E scheduling channel for construction. Warshawsky noted that the Undergrounding Subcommittee was extremely pleased with the designated areas/ District Boundaries noting that more area had been included than initially proposed.

OPENED PUBLIC HEARING

Stuart Bessler, Canario Way, requested clarification on the project maps. He did not believe it was consistent with the text of the public hearing notice.

Public Works Director/City Engineer Henry Louie explained the discrepancy, noting that the map as identified in the exhibits was definitive and correct and the text referenced the geographical area.

Jean Straube, Viscaino, asked if the utility pole on her street could be included in the project. She was very pleased with the project that was scheduled for her neighboring streets.

Public Works Director/City Engineer Henry Louie explained that the pole she referenced was a transitional pole and was not scheduled for undergrounding. Mayor Pro Tem Warshawsky suggested that she provide the City Clerk with her contact information and he would be happy to keep her apprised of the project.

CLOSED PUBLIC HEARING

Councilmember O'Malley congratulated Mayor Pro Tem Warshawsky, the Undergrounding Ad Hoc Subcommittee and Public Works Director/City Engineer Henry Louie for their efforts that had brought this pilot project to fruition. He suggested that

Council move forward with the approval of the resolution and as interest in other neighborhoods surface, to investigate alternatives to assist the residents.

Mayor Pro Tem Warshawsky noted that at the completion of the pilot project, 20A funding could potentially still be available for additional projects.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Jones and passed unanimously to adopt Resolution No.78-05 "Establishing Underground District No.1A for Purissima Road from Samuel Lane to Minorca Court, and Viscaino Road from Purissima Road to Roble Ladera Road and Establishing Underground District No. 1B for Altamont Road from Tripoli Court to Almaden Court.

Passed by consensus of the Council to adjourn to the Closed Session at 9:05 p.m.

12. CLOSED SESSION

CLOSED SESSION: Pursuant to Government Code Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Attorney

CLOSED SESSION: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: APN 182-52-009

Agency Negotiator: Maureen Cassingham, City Manager

Negotiating Parties: None

Under Negotiation: Price and terms of payment

The City Council reconvened to the Regular City Council meeting at 10:11 p.m.

No action was taken.

13. ADJOURNMENT

There being no further business, the August 3, 2005 Special Meeting of the City Council was adjourned at 10:12 pm.

Respectfully submitted,

Karen Jost, City Clerk

The minutes of the August 3, 2005 Special City Council meeting were approved as presented at the August 18, 2005 Regular City Council meeting.